

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

15 The court previously appointed the Federal Public Defender to represent the petitioner  
16 (ECF #5).

17 The Office of the Federal Public Defender ("FPD") has identified a conflict of interest  
18 with the petitioner, and has indicated to the court its inability to further represent the petitioner. The  
19 court's Criminal Justice Act designee has, however, located counsel, Mario Valencia, 1055 Whitney  
20 Ranch Drive, Henderson, NV 89014, tel.: (702) 940-2222, who is willing to be appointed to represent  
21 the petitioner herein.

22 IT IS THEREFORE ORDERED that the FPD is released as counsel.

23                   **IT IS FURTHER ORDERED** that Mario Valencia **is APPOINTED** to represent the  
24 petitioner herein. Mr. Valencia is a Criminal Justice Act panel attorney for the United States District  
25 Court, District of Nevada. Mr. Valencia shall represent petitioner in all future proceedings in this court

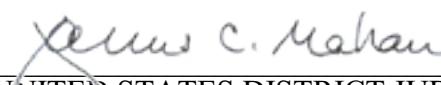
1 relating to this matter (including subsequent actions) and appeals therefrom, pursuant to 18. U.S.C.  
2 section 3006A (a)(2)(B), until allowed to withdraw.

3 **IT IS FURTHER ORDERED** that CJA counsel for petitioner shall meet with petitioner  
4 as soon as reasonably possible to: (a) review the procedures applicable in cases under 28 U.S.C. section  
5 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas  
6 corpus relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus  
7 relief must be raised at this time and that the failure to do so will likely result in the omitted grounds  
8 being barred from future review under the rules regarding abuse of writ.

9 **IT IS FURTHER ORDERED** that counsel for petitioner and counsel for respondents  
10 shall within forty-five (45) days file a joint statement describing what portions of petitioner's state court  
11 record have been obtained and what portions are missing. Counsel for respondents should make  
12 available to counsel for petitioner (photocopying costs at the latter's expense), as soon as reasonably  
13 possible, a copy of whatever portions of the state court record they possess regarding the judgment  
14 petitioner is challenging herein.

15 **IT IS FURTHER ORDERED** that counsel for petitioner shall file an amended petition  
16 for writ of habeas corpus within ninety (90) days, which shall include all known grounds for relief (both  
17 exhausted and unexhausted). Respondent shall have thirty (30) days after the filing of the amended  
18 petition within which to answer, or otherwise respond to, the amended petition.

19 Dated, April 12, 2013.

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UNITED STATES DISTRICT JUDGE  
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